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SUBJECT: ALLEGATIONS OF JUDICIAL LOBBYING AND  
CONFIDENTIALITY BREACHES AMONG SOUTH AFRICA'S HIGHEST COURT  
JUDGES

¶1. (U) SUMMARY: The Constitutional Court and Cape Judge President John Hlope swapped allegations of breaching judicial protocol and attempts to suborn high court judges in a high-level corruption case. Hlope is alleged to have tried to influence two judges who will preside over aspects of the ruling party president's corruption trial. END SUMMARY

¶2. (U) The full body of 11 Constitutional Court judges tendered a detailed case against Western Cape Judge President John Hlope to the Judicial Service Commission (JSC) on June ¶17. The 27 page complaint alleges that Hlope contacted the judges in late March 2008 in an attempt to influence their rulings in appeals related to the Directorate of Special Operations (aka The Scorpions) corruption investigation against ANC President Zuma. Hlope encouraged both judges to decide "properly" in the cases and reminded them that "some judges were going to lose their jobs." Hlope lobbied one judge by emphasizing what he thought was their shared Zulu ethnicity, which later turned out to be false as the judge had taken her husband's name. He encouraged another judge to "make himself available for appointment to the Constitutional Court," implying he could make this happen. The complaint also states that Hlope told the judges he was politically well-connected and had ties to the national intelligence leadership implying that their positive response would be to their benefit.

¶3. (U) Days before the Constitutional Court judges filed their complaint, members of the ANC party, the legal community and Judge Hlope himself criticized the Constitutional Court for publicly airing internal judicial workings and condemning him before the complaint was ever made. (NOTE: No one has publicly defended Judge Hlope's innocence of the charges, only that the proper procedure was not used END NOTE). The Constitutional Court judges address these charges by arguing that it was in the interest of judicial transparency for all aspects of the complaint to be heard publicly. The fate of Judge Hlope is now in the JSC which will report its findings in the coming weeks.

BOST